



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

94th Arkansas General Assembly/ Tires: Bill Introduced to Commercialize Used Tire Recycling/Accountability Program

01/26/2023

Representatives L. Fite, S. Berry, and Senator Rice have introduced House Bill 1234 ("HB1234") titled:

Arkansas Commerce Tire Program Act

HB1234 would replace the legislation known as the Used Tire Recycling and Accountability Act found at Ark. Code Ann. 8-9-401, et seq.

The Arkansas General Assembly enacted legislation a number of years ago whose purpose is to ensure the appropriate management of waste tires in Arkansas. Amendments have since been made to the original legislation including an extensive rewrite that created the Used Tire Recycling and Accountability Act.

Both the Arkansas Department of Energy & Environment – Division of Environmental Quality ("DEQ") and the Arkansas Regional Solid Waste Management Districts have traditionally played an extensive role in the program. For example, DEQ has had in place regulations requiring permits for certain used tire collection, process, and disposal activities. In addition, the agency issues license to operate used tire processing facilities and used tire transporters.

The existing legislation also imposes certain fees which are used to:

- Reimburse used tire programs for used tire recycling and disposal cost
- Incentivize recycling used tires collected

An electronic uniform used tire manifest system has also been in place addressing the collection, transportation, distribution, and recycling, disposal, or resale of each recyclable tire, waste tire, and used tire for resale.

HB1234's purpose is stated to include:

... to commercialize the Used Tire Recycling and Accountability Program.

It further notes in part:

... of state-managed used tire programs, the removal of government from the commercial transactions and control of waste tire disposal to allow for private commerce to manage and dispose of waste tires will save the state money and provide opportunities for private enterprise.

HB1234 would replace a rim removal fee with a tire environmental fee which would be imposed upon the transaction of selling tires by a tire wholesaler at a rate of \$1.00 per tire sold by the tire wholesaler.

Provisions from the existing legislation that would be retained include:

- Tire transporter licensing requirement
- DEQ authority for the administration of permits for tire processing facilities, tire collection centers, commercial generators, and any other person collecting, receiving, processing, recycling, or disposing of used tires

DEQ enforcement of waste tire sites and voluntary cleanup options are also included.

The legislation has been referred to the House Committee on Public Health, Welfare, and Labor.

A copy of HB1234 can be found [here](#).